

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, JANUARY 25, 2001  
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins, Vice Chair  
Linda Steinman  
Bernie Heier

Commissioners Absent: Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,  
JANUARY 18, 2001**

**MOTION:** Hudkins moved and Steinman seconded approval of the Staff Meeting minutes of January 18, 2001. Hudkins, Steinman and Campbell voted aye. Heier abstained from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Report on Meeting to Discuss a New Phone System
- B. Schedule Discussion with Leon Meyer, Managing Director of the Event Center
- C. City Legislative Agenda
- D. Expansion Plans for BryanLGH Medical Center West
- E. Nomination for Outstanding Mature Worker
- F. Garbage Service for the Lancaster County Agricultural Society's Event Center
- G. Letter from Lil and Wayne Giebelhaus
- H. Memorandum from the American Federation of State, County & Municipal Employees (AFSCME)

**MOTION:** Heier moved and Steinman seconded approval of the additions to the agenda. Heier, Steinman, Hudkins and Campbell voted aye. Motion carried.

### 3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- O Ranchers in the Sandhills have expressed opposition to LB 366 (changes provisions relating to zoning by county boards and nonfarm buildings) and have suggested that Nebraska Revised Statutes, Section 77-1318.01 provides counties the necessary authority to meet the intent of the bill.

Eagan said accurate addressing for emergency services is a crucial component that would not be addressed by that statute.

Kissel said language could be added to limit the bill to counties of a primary class to negate opposition.

Hudkins said there are concerns of increased bureaucracy with the bill and suggested further clarification of intent.

- O Judiciary Committee heard LB 12 (provides requirements for persons dispensing medications in facilities operated by the Department of Correctional Services)
- O LB 124 (changes information on and duties related to tax statements) failed to advance
- O LB 233 (changes timeframes for certain property tax valuation protests) was killed in committee

Dave Kroeker, Budget & Fiscal Officer, noted concern regarding the ramifications of LB 501 (changes provisions for custody and placement of intoxicated and mentally ill dangerous persons). He said this bill requires counties to contract with medical facilities capable of treating intoxicated persons (protective custody) and suggested revision to include municipalities. Kroeker noted that Lancaster County currently exceeds the local match for alcohol programs.

Kit Boesch, Human Services Administrator, and Marcee Metzger, Executive Director of the Rape/Spouse Abuse Crisis Center, appeared and requested support of LB 705 (appropriates funds to the Department of Health and Human Services for domestic violence programs) (Exhibit B).

**MOTION:** Steinman moved and Heier seconded to support LB 705. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

Boesch agreed to draft a letter of support.

Kissel reported on the meeting held last week with Senators Pedersen and Thompson to discuss juvenile justice issues and said there are plans to rewrite Governor Johanns' proposal on juvenile justice. He said he and Mike Kelley, lobbyist for Douglas County, also plan to meet with Senator Jensen, who is carrying the Governor's bill, and will ask him to introduce the substitute language.

Eagan said LB 640 creates new responsibilities for post-adjudication programs at the county level and does nothing to cap the county's liability for boarding contract costs.

Kissel said Senator Pedersen is carrying LB 598, the "gatekeeper" bill, and may prioritize it so that bill can serve as the vehicle for juvenile justice issues.

Eagan said LB 652 (changes provisions relating to detention and evaluation costs for juveniles) would repeal the recent Nebraska Supreme Court opinion that held that the State of Nebraska is responsible for payment of the cost of detention of a juvenile awaiting an evaluation.

**MOTION:** Hudkins moved and Steinman seconded to oppose LB 652 and to note this opposition on the record at the Nebraska Association of County Officials (NACO) legislative meeting scheduled for January 26, 2001. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

#### **ADDITIONS TO THE AGENDA**

##### A. Report on Meeting to Discuss a New Phone System

Eagan reported on a meeting held to discuss whether to explore phone system options. He said internet protocol phone systems offer substantial long-term savings, additional features and greater mobility but have enormous upfront costs.

Eagan said hiring of a consultant to help develop a Request for Proposals (RFP) and to review applicable Federal Communications Commission (FCC) regulations, technical expertise and industry standards is suggested. He said the Information Services Director for Houston, Texas is willing to serve in this capacity, on a cost basis.

**MOTION:** Steinman moved and Heier seconded to participate with the City in hiring a consultant to look at the potential cost savings of a new phone system. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

##### B. Schedule Discussion with Leon Meyer, Managing Director of the Event Center

The Board scheduled the item on the February 1<sup>st</sup> Staff Meeting agenda.

### C. City Legislative Agenda

Eagan said Jennifer Brinkman, Administrative Assistant to the Mayor, will provide an update on the City's legislative agenda, including issues related to Lincoln-Lancaster County Health Department, at the February 1<sup>st</sup> Staff Meeting.

### D. Expansion Plans for BryanLGH Medical Center West

Eagan and Dave Kroeker, Budget and Fiscal Officer, will attend a preliminary meeting and will report back to the Board.

### E. Nomination for Outstanding Mature Worker

Board consensus to send a memorandum to members of the Management Team asking for nominations.

### F. Garbage Service for the Lancaster County Agricultural Society's Event Center

Campbell said Mike Niederhaus, Niederhaus Bros. Refuse Inc., had contacted her with concerns related to his firm not being awarded the garbage service contract for the Lancaster County Agricultural Society's Event Center. She said she explained to him that the County does not have day-to-day oversight but said the Board could ask who had submitted the low bid for the service.

Heier will ask Charles Willnerd, Lancaster County Agricultural Society Building Committee Chair, to respond to Niederhaus.

## **RETURNING TO LEGISLATIVE UPDATE**

Eagan said the City has requested support of LB 83 (changes provisions relating to criminal procedure and certain uncollectible costs).

**MOTION:** Steinman moved and Hudkins seconded to support LB 83 and authorized Kerry Eagan, Chief Administrative Officer, to provide written or oral testimony in support of the bill. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

## **ADDITIONS TO THE AGENDA**

### I. Revolving Loan Fund

**MOTION:** Heier moved and Steinman seconded to add the item to the agenda. Heier, Steinman, Hudkins and Campbell voted aye. Motion carried.

**4 JUVENILE DETENTION FACILITY UPDATE** - Dennis Banks, Lancaster County Juvenile Detention Center Director; Michelle Schindler, Lancaster County Juvenile Detention Center Deputy Director; Greg Pettibone, Lancaster County Juvenile Detention Facility Project Manager; Irene Prince, Juvenile Specialist Supervisor

Dennis Banks, Lancaster County Juvenile Detention Center Director, introduced Irene Prince, Juvenile Specialist Supervisor. He said she is replacing Henry Moss who has accepted the position of Training and Technical Assistance Coordinator for the Families First & Foremost (F<sup>3</sup>) Grant Program.

Banks reported a significant population decrease over the last six months, noting a daily average of 52 youth for the first six months of 2000 and 41 for the last six months. He attributed this in part to Juvenile Probation making decisions on whether to detain youth.

Heier asked about plans for the excess space if this trend holds.

Banks said contracts with other counties will be aggressively pursued. He also suggested using the Attention Center facility or a pod in the new Juvenile Detention Facility as a Crisis Center for juveniles. Banks noted that a daily population of 47 youth is anticipated at the time of opening of the new Juvenile Detention Facility, with staffing planned for 60.

Heier asked about plans for parole violators.

Banks said Juvenile Probation would like to open a Revocation Center for juveniles and said this may also be an appropriate use of the Attention Center facility.

Eagan said another option would be for Juvenile Probation to take over the lease on the Airpark Facility.

Banks recommended taking a "wait and see" approach in determining utilization of the facilities.

Greg Pettibone, Lancaster County Juvenile Detention Facility Project Manager, gave an update on construction and said the project is pretty much on schedule.

In response to a question from Hudkins, Pettibone said 80 percent of the sanitary sewers are completed.

Michelle Schindler, Lancaster County Juvenile Detention Center Deputy Director, said the final draft of policies and procedures is 60 percent complete. She said the staff is working on scheduling and staffing will be at a level to meet the projection of 60 youth at opening (two housing units and the staff secure facility). The Personnel Department is assisting with development of job descriptions, with a less hierarchical structure planned. Schindler said it appears it will be necessary to have two cleaning staff, rather than one, and one additional maintenance person for the facility, positions that were not included in the budget.

Eagan said the Juvenile Detention Center may be a good place to test an internet protocol phone system, although the facility is not currently part of the fiber optic network.

**5 LONG TERM CARE REQUEST FOR PROPOSALS (RFP) - Bill Kostner, City Risk Manager; Georgia Glass, Personnel Director; Bill Thoreson, Benefits Specialist; Larry Schauer, Assistant Purchasing Agent; Chet McPherson, Lincoln Information for the Elderly (LIFE)**

Bill Kostner, City Risk Manager, said a joint City/County committee has reviewed the Requests for Proposals (RFP) for long term care insurance and recommends that the bid be awarded to General Electric (GE) Financial Assurance (Exhibits C & D). There is no cost to the County for allowing employees to participate in the plan. Employees may participate through payroll deduction and can take the plan with them when they separate from service.

Larry Schauer, Assistant Purchasing Agent, said long term care insurance is designed primarily for middle to upper income level individuals and helps them to protect their assets.

In response to a question from Heier, Schauer said premium cost is based on several factors, noting plans are tailored to meet individual needs.

Georgia Glass, Personnel Director, said additional financial planning assistance will be made available to employees and will cover the topic of long term care insurance.

Hudkins asked whether Post Employment Health Plan (PEHP) funds may be utilized for the premiums.

Glass said yes, after retirement.

**6 CRISIS CENTER CONTRACT WITH REGION V COUNTIES - Mike Thew, Chief Deputy County Attorney; Jill Rubottom, Region V**

Mike Thew, Chief Deputy County Attorney, said a meeting was held with representatives of the other counties in Region V to explain the situation involving the master contract (Lancaster County agreed to hold individuals for other counties in Region V that are committed through mental health hearings or classified as Emergency Protective Custody (EPC) at the Crisis Center. However, the State repeatedly refused to accept post-commitments, due to lack of space in the Regional Center, and these individuals were held in the Crisis Center longer than permitted by law. This resulted in several lawsuits which Lancaster County was forced to defend, regardless of where the commitment originated). He said there was consensus at that meeting to seek a way to spread the risk or to hold Lancaster County harmless. Thew said the County's insurance broker has indicated that this practice is an uninsurable risk and coverage at a reasonable rate is unavailable. He noted that legislation has been introduced to address the problem and recommended waiting to see what happens with that bill before proceeding with the contract.

Campbell asked whether the other counties in Region V could be asked to contribute to a self-insurance fund if there is no legislative remedy.

Thew said yes, adding it may be possible to do so through the Nebraska Intergovernmental Risk Management Association (NIRMA).

Jill Rubottom, Region V, noted that LB 479 (changes provisions for the commitment of mentally incompetent persons to the Department of Health and Human Services) is scheduled for hearing on February 1<sup>st</sup>.

**ADDITIONS TO THE AGENDA**

G. Letter from Lil and Wayne Giebelhaus

Steinman said the Giebelhaus' letter (Exhibit E) asked the County Board to revoke the liquor license for Coaches Sports Bar and Grill at 640 West Prospector Court and said a glitch in the wording of Junked Car Ordinance for the City's three mile jurisdiction has delayed enforcement.

Dave Johnson, Deputy County Attorney, said he is still researching the County Sheriff's ability to enforce the ordinance within the City's three mile jurisdiction and the County Attorney's ability to prosecute violations.

Campbell asked Johnson to also check on whether the City's Hobbyist Permit applies within the City's three mile jurisdiction.

H. Memorandum from the American Federation of State, County & Municipal Employees (AFSCME)

The Board reviewed a letter from the American Federation of State, County & Municipal Employees (AFSCME) (Exhibit F). Campbell and Hudkins indicated that they will be meeting with AFSCME representatives to discuss concerns and will report back to the Board.

I. Revolving Loan Fund

Heier asked whether action has been taken to collect monies still owed by Kinco Manufacturing of Waverly.

Dave Johnson, Deputy County Attorney, said the bank with first lienholder status has informed him the owners of Kinco Manufacturing plan to sell the company's assets and pay off outstanding loans.

The Board directed Johnson to pursue repayment of the County's economic development loan to Kinco Manufacturing from the company's principals.

**7 EXECUTIVE SESSION - PENDING LITIGATION**

**MOTION:** Steinman moved and Heier seconded to enter Executive Session at 10:20 a.m. for discussion of pending litigation. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

**MOTION:** Steinman moved and Hudkins seconded to exit Executive Session at 10:40 a.m. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

**MOTION:** Steinman moved and Hudkins seconded to schedule a remand for notice of reconsideration of the liquor license for Coaches Sports Bar and Grill at 640 West Prospector Court on the January 30<sup>th</sup> County Board of Commissioners Meeting agenda for a public hearing at 1 p.m. on February 6, 2001. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

**8 GRANT FOR BULLET PROOF VESTS - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff; Deputy Don Young**

Deputy Don Young said he has submitted an application for the Bulletproof Vest Partnership Grant, a federal grant that provides reimbursement for bulletproof vest purchases made from March 1, 1999 through June 30, 2001 (Exhibit G). He said the grant is intended to provide reimbursement to law enforcement agencies and may be used to reimburse officers who have paid for upgrades or to reduce the cost of future purchases. Young said the Sheriff's Department purchased 16 vests last year and is seeking 50 percent reimbursement of the \$8,000 cost.

In response to a question from Steinman, Young said the County provides \$360 towards the purchase of a bulletproof vest, which is the cost of a basic vest. Vests that he would recommend deputies purchase cost \$800.

Bill Jarrett, Chief Deputy Sheriff, noted that this stipend has remained the same for a number of years.

Terry Wagner, Lancaster County Sheriff, added that a number of deputies prefer to upgrade to a vest that is lighter and has higher ballistic capability. He said deputies are encouraged, but not required, to wear bulletproof vests and are more likely to do so if they have contributed to the cost.

Hudkins said, if the grant is received, the proceeds should be earmarked for the purchase of bulletproof vests, rather than placed in the General Fund.

Dave Kroeker, Budget and Fiscal Officer, said procurement policy must be followed and grant funds may not be used to reimburse any purchases above the standard.

**MOTION:** Steinman moved and Heier seconded to authorize Deputy Young to submit an application for the Bulletproof Vest Partnership Grant on behalf of Lancaster County, retroactive to January 18, 2001. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

The Board asked Dave Johnson, Deputy County Attorney, and Dave Kroeker, Budget and Fiscal Officer, to work with the Sheriff's Department in clarifying whether the grant can be used to reimburse deputies for bulletproof vest upgrades or stay within the Sheriff Department's budget for future purchases.

## 9 ACTION ITEMS

### A. Memorandum Regarding County Board/Human Services Department Future Space Needs

The Board reviewed a draft memorandum to the Public Building Commission outlining the future space needs of the County Board/Human Services Department and a diagram of the first floor of the County-City Building (Exhibit H).

**MOTION:** Steinman moved and Heier seconded to authorize the Chair and Kerry Eagan, Chief Administrative Officer, to send the memorandum to the Public Building Commission outlining the County Board/Human Services Department future space needs and indicating that the County Board would prefer that the Human Services Department remain in the County-City Building, in space that is the least disruptive and most economical. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

## 10 CONSENT ITEMS

- A. Proposal from Midwest Blind, Inc. to Install Blinds for Commissioner Workman's Office for \$135
- B. Vacation Request from Kerry Eagan, Chief Administrative Officer, for February 23-26, 2001
- C. Request from Records & Information Management to Purchase TestBridge Software for \$369

**MOTION:** Steinman moved and Hudkins seconded approval of the Consent Items. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

## 11 ADMINISTRATIVE OFFICER REPORT

- A. County Board Committee Assignments and Officers

The Board will elect the Chair and Vice Chair for 2001 at the January 30<sup>th</sup> County Board of Commissioners Meeting.

Brief discussion took place on committee assignments with Heier agreeing to serve on the Region V Board, Attention Center Advisory Board and Families First & Foremost (F<sup>3</sup>) Conveners Group.

- B. Entertainment Study Review Committee

Eagan said the committee members toured the Lancaster County Agricultural Society's Event Center and met with Ron Barton, KPMG LLP, and JoAnne Kissel, Sinclair Hille & Associates Inc.

- C. Health Insurance Update in Newsletter

**MOTION:** Steinman moved and Hudkins seconded to request Bill Thoreson, Benefits Specialist, to place an update on health insurance in the County Connection newsletter. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

- D. Reset the Mid-Year Budget Retreat

The Board reset the Mid-Year Budget Retreat for March 2, 2001 from 8 a.m. to 3 p.m.

## 12 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Families First & Foremost (F<sup>3</sup>) Conveners Meeting - Campbell, Steinman

Deferred until February 6<sup>th</sup>.

B. Juvenile Detention Center Advisory Committee - Heier

Heier said there is still confusion as to how the Assessment Center will work.

C. Community Mental Health Center Advisory Committee - Steinman

Steinman reported the following:

- O Funding for several projects will be sought from the Community Health Endowment
- O Planning for psychiatric respite care is taking place
- O Community Mental Health Center has been involved in discussions on development of a Juvenile Emergency Protective Custody (EPC) Crisis Unit

**13 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk